

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Docket No. 20-cr-40036-TSH
)	
)	
VINCENT KIEJZO,)	
Defendant)	
)	

**ASSENTED-TO REQUEST FOR IN-PERSON HEARING
ON DEFENDANT’S MOTION TO COMPEL DISCOVERY**

Now comes the government and hereby moves that the Court schedule an in-person hearing on the Defendant’s Motion to Compel Discovery, filed under seal on July 27, 2021 (hereinafter the “Discovery Motion”).

The Defendant is charged with one count of possession of child pornography, in violation of 18 U.S.C. §2252A(a)(5)(B). On or about November 12, 2020, the government provided automatic discovery subject to a protective order. (Docket No. 31). Between February 2021 and May 2021, the Defendant requested certain additional items. The government agreed to provide some items and declined to provide others. On July 27, 2021, the Defendant filed the Discovery Motion and requested a hearing on that motion. (Docket No. 80) On August 10, 2021, the government filed its response. (Docket No. 83.) Notably, the Discovery Motion includes reference to materials subject to the protective order, and requests additional discovery that would also be considered “law enforcement sensitive” and thus subject to the protective order.

On August 11, 2021, the Court, with assent of the parties, conducted a hearing by video on the Discovery Motion. During that video hearing, the government noted that members of the public were in attendance and requested a “breakout room” – which the government viewed as akin to a virtual sidebar – in order to discuss the discovery materials that were subject to the protective order. The Court viewed such a procedure as tantamount to a courtroom closure. The Court suspended the hearing at that time to allow the parties to determine how best to proceed.

Accordingly, the government now moves the Court to conduct the hearing on the Discovery Motion in person. The parties anticipate that they will seek permission to address the Court at sidebar if and when it is necessary to discuss any materials covered by the protective order.

The defendant joins in this request that the hearing be conducted in person.

Respectfully submitted,

VINCENT KIEJZO,
By his Attorney

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Date: August 20, 2021

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and by regular mail to the participants who do not receive electronic filing.

/s/ Kristen M. Noto
Kristen M. Noto
Assistant U.S. Attorney

Date: August 20, 2021